

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LESTER J. SALAZAR,

Plaintiff,

v.

CIV 14-0515 SCY/KBM

MICHAEL FLAVIN, BCSO;
C. McCUTCHEON, BCSO;
J. DYKES, BCSO and
DAN HOUSTON B.C. SHERIFF,

Defendants.

ORDER RESETTING RULE 16 INITIAL SCHEDULING CONFERENCE

THIS MATTER came before the Court for a Rule 16 Initial Scheduling Conference on August 13, 2014. Attorney Jonlyn Martinez appeared on behalf of Defendants. Ms. Martinez advised the Court that she had forwarded the Initial Scheduling Order (ISO) to Plaintiff Lester J. Salazar, and there is nothing in the record indicating that Plaintiff did not receive the ISO that was sent via the U.S. Postal Service by the court to his address of record.. Plaintiff failed to appear by telephone as instructed in the Initial Scheduling Order, and the Court was therefore unable to conduct the scheduling conference.

The Court cautions Plaintiff that his failure to comply with the orders or rules of the Court, including the Federal Rules of Civil Procedure and the Court's Local Rules, can result in the imposition of sanctions. Indeed, the Court has the inherent power to impose a variety of sanctions on litigants in order to, among other things, regulate its docket and promote judicial efficiency, including the dismissal of an action. *Martinez v. Internal Revenue Service*, 744 F.2d 71, 73 (10th Cir. 1984); *Nat'l Hockey League v. Metro*.

Hockey Club, Inc., 427 U.S. 639, 642-43 (1976); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962); see also *Costello v. United States*, 365 U.S. 265, 286-87 (1961) (district court may dismiss *sua sponte* for failure to comply with order of court); *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 855 (10th Cir. 2005) (“dismissal is an appropriate disposition against a party who disregards court orders and fails to proceed as required by court rules.”); see also, e.g., *United States ex rel. Jimenez v. Health Net, Inc.*, 400 F.3d 853, 856 (10th Cir. 2005) (“We . . . dismiss the appeal *sua sponte* as to both Appellants for lack of prosecution as reflected by their failure to respond to our order requiring a timely status report to prevent dismissal. . . . Dismissal of the appeal is a strong sanction to be sure, but it is no trifling matter for Appellants to abuse our office by disappearing and failing to meet our deadlines. The federal courts are not a playground for the petulant or absent-minded; our rules and orders exist, in part, to ensure that the administration of justice occurs in a manner that most efficiently utilizes limited judicial resources.”).

IT IS THEREFORE ORDERED that the Rule 16 Initial Scheduling Conference will be conducted by telephone on **Wednesday, September 3, 2014 at 2:00 p.m.** The parties should call the meet me conference line at (505) 348-2353 to be connected to the conference:

IT IS FURTHER ORDERED that the Clerk mail Plaintiff this District’s Guide for Pro Se Litigants.



Karen B. Molzen
U.S. Chief Magistrate Judge